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Docket No.: 248042US-2



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

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RE: Application Serial No.: 10/763,347
Applicants: Fumihiko NAKASHIGE
Filing Date: January 26, 2004
For: IMAGE READER APPARATUS AND CYLINDER
SHAPED LAMP USED FOR THE SAME
Group Art Unit: 2852
Examiner: CHEN, S.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
FUMIHIRO NAKASHIGE : EXAMINER: CHEN, S.
SERIAL NO: 10/763,347 :
FILED: JANUARY 26, 2004 : GROUP ART UNIT: 2852
FOR: IMAGE READER APPARATUS :
AND CYLINDER SHAPED LAMP USED
FOR THE SAME

PROVISIONAL ELECTION

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ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated September 23, 2005, Applicant provisionally elects with traverse the species I, identified in the outstanding Official Action as corresponding to Figures 3-8, for further examination on the merits. Applicant identifies Claims 1-7 as readable on the elected species. Applicant reserves the right to file one or more divisional applications directed to the non-elected species.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may

be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicant to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-7 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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